APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,868	01/22/2004	Edward Eytchison	Sony-05300	8511

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EXAMINER
CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01/07/2009*.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *01/19/2009, 04/03/2009, 10/14/2008, 10/27/2008*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed 01/07/2009. Claims 1-27 are pending. Applicant's arguments have been carefully considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Loomis (US Publication No. 20060155400 A1)**

As per claim 1, Armstrong teaches a method comprising: identifying a preference **(a user pre-selects preferred songs for a user playlist, paragraph [0041]);** selecting a content item based on the preference **(the first song of the playlist is selected, paragraph [0041]);** storing an initial portion of the content item in a temporary storage cache **(Figure 3A, where X seconds of five pre-buffered songs are stored for playing. See also paragraphs [0007], [0060], and [0061], where a pre-cache stores a small portion in a buffer and [0022], a local cache of the first ten seconds of a content item);** receiving a request for the content item

(paragraph [0043], where a user requests a next song to play); streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request **(paragraph [0068])**; producing a resultant stream using the initial portion of the content item **(paragraph [0068])**; and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item **(Abstract and paragraphs [0007] and [0068])**.

As per claim 2, Loomis teaches a method wherein the preference is associated with a user **(paragraph [0041])**.

As per claim 3, Loomis teaches a method wherein the preference includes a playlist **(Figure 1A, playlist)**.

As per claim 4, Loomis teaches a method wherein the resultant stream mirrors the entire segment of the content **(paragraph [0007])**.

As per claim 5, Loomis teaches a method further comprising identifying a user associated with the preference **(paragraph [0041])**.

As per claim 6, Loomis teaches a method wherein the content includes one of a document, an image, audio data, and video data **(Abstract, audio data -song)**.

As per claim 7, Loomis teaches a method further comprising transmitting the entire segment of the content to a stream buffer in response to the request **(paragraph [0068])**.

As per claim 8, Loomis teaches a method wherein the transmitting the entire segment of the content occurs simultaneously with streaming the initial portion **(paragraph [0007])**.

As per claim 9, Loomis teaches a method wherein the seamlessly transitioning occurs in real-time (paragraph [0021]).

As per claim 10, Loomis teaches a method further comprising presenting the resultant stream beginning with the initial portion and subsequently followed by a portion of the entire segment (Abstract and paragraphs [0007] and [0068]).

As per claim 11, claim 11 recites substantially the same limitations as claim 1. Therefore, the rejection for claim 1 applies equally as well to claim 11.

As per claim 12, Loomis teaches storing an initial portion of a selected content item in a temporary storage cache; streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer (paragraph []); simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion (paragraphs [0068] and [0007]); producing a resultant stream comprising the initial portion of the selected content item (paragraphs [0068] and [0007]); and seamlessly transitioning the resultant stream from the initial portion of the content item to the entire segment of the content item (paragraphs [0068] and [0007]).

As per claims 13-17, the rejection for claims 1, 6, and 9 applies fully.

As per claim 18, Loomis teaches a method further comprising displaying the resultant stream (paragraph [0048], Figure 2).

As per claim 19, claim 19 is substantially the same as claim 1, but in system form rather than method form. Therefore, the rejection for claim 1 applies equally as well to claim 19.

As per claim 20, claim 20 is substantially the same as claim 1, but in system rather than method form. Therefore, the rejection for claim 1 applies equally to claim 20.

As per claim 21, Loomis teaches a system wherein the client device is configured to store the initial portion of the content prior to a request for the content **(paragraphs [0060] and [0061])**.

As per claim 22, Loomis teaches a system wherein the client device is configured to receive the entire segment subsequent to a request for the content **(Abstract and paragraphs [0007] and [0068])**.

As per claim 23, Loomis teaches system wherein the client device further comprises a preference data module configured for storing information relating to the content **(paragraph [0034])**.

As per claims 24-26, the rejection for claims 1 and 6-7 applies fully.

As per claim 27, Loomis teaches identifying a preference; selecting a content item based on the preference, wherein the content item is a data file having a defined beginning point and ending point **(paragraph [0034])**; prefetching an initial portion of the content item **(paragraph [0007])**; storing the initial portion of the content item in the temporary storage cache **(paragraph [0022], local caching of the first ten seconds)**; receiving a request for the content item **(paragraph [0043], where a user requests a next song to play)**; streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request **(paragraph [0068])**; producing a resultant stream using the initial portion of the content item **(paragraph [0068])** ; and seamlessly transitioning the resultant stream from the initial

portion of the content item to an entire segment of the content item **(paragraphs [0007] and**

[0068]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner

can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Vaughn can be reached on 571-272-3922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444   **April 23, 2009**